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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,658	04/10/2000	Rick A. Briggs	BRIGGS.011CPI	2398

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,658

Applicant(s)

BRIGGS ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36, 38-40, 42-48, 50 and 52-57 are rejected under 35 U.S.C. 102(e) as being anticipated by ***Gabai*** et al (6,352,478).

Regarding claims 33-36, 38, 42-44, 50 and 52-54 Gabai teaches an interactive quest gaming system for entertaining one or more play participants that comprises a play facility that comprises one or more play modules sized and configured to receive or support said one or more play participants playing in, on or around each said play module, each play module further comprising multiple play elements operatively associated with each said play module comprising one or more interactive games or challenges configured to be played or completed by said one or more play participants as part of an overall quest or mission; at least two of said interactive games or challenges within either the same module or within different modules being arranged or organized sequentially such that a first interactive game or challenge is necessary to be played or completed before a second game or challenge can be played or completed; and a central links system, including at least one portable indicium associated with and

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uniquely identifying each play participant, for tracking which interactive games or challenges have been played or completed by each said play participant whereby the progress of each said play participant playing the interactive quest game may be determined (abstract; col. 4, lines 52-62; col. 5, lines 35-38 and lines 57-65; Figure 35).

Regarding claims 39-40, 45-48 and 55-57, Gabai teaches all the limitations of the claims as discussed above. Gabai further teaches an information storage device (a tag) worn by said one or more play participants and configured to communicate with one or more reader devices or read/write devices associated with each said interactive game or challenge (col. 5, lines 34-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 41, 49, 51 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Gabai*** et al.

Regarding claims 37, 49 and 58, Gabai teaches all the limitations of the claims as discussed above. While Gabai teaches the feature of informing the participant of his/her progress, Gabai is silent regarding the display of the progress information on a score board. The examiner takes official notice that it is well known to display scores and game progress information on a score board in the art of gaming. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include

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a score board in Gabai to make it easier for the participants to see their scores and compare their performance to that of other participants.

Regarding claims 41 and 51, Gabai teaches all the limitations of the claims as discussed above. While Gabai teaches various different challenges in a quest game, Gabai is silent regarding the use of slides, rope bridges, trolleys, swings, cargo net or ladders. The examiner takes official notice that it is well known in family playing facilities such as Chuck E. Cheese's™ and various other amusement parks to have these game fixtures for children to use in order to present physical challenges and entertainment. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate any of these features in the amusement park game of Gabai to provide a physically challenging game for child participants. This would increase the excitement and competitive nature of the game.

Examiner's Response to Applicant's Remarks

Applicant's arguments with respect to original claims 1-32 have been considered but are moot in view of the new ground(s) of rejection, due to Applicants cancellation of original claims 1-32 and addition of new claims 33-58.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

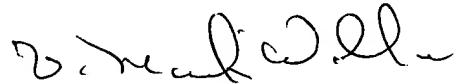
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



C. White
Patent Examiner



VALENCIA MARTIN-WALLACE
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